

"Small Business Size Standards: General Building Contractors, Heavy Construction, Except Building, Dredging and Surface Cleanup Activities, Special Trade Contractors, Garbage and Refuse Collection, Without Disposal, and Refuse Systems" (RIN3245-AE23) received on July 10, 2000; to the Committee on Small Business.

EC-9623. A communication from the Director of Operations and Finance, The American Battle Monuments Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for fiscal year 1999; to the Committee on the Judiciary.

EC-9624. A communication from the Vice-Chairman of the Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Election Cycle Reporting by Authorized Committees" received on July 7, 2000; to the Committee on Rules and Administration.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-528. A concurrent resolution adopted by the Legislature of the State of New Hampshire relative to apple cider; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE CONCURRENT RESOLUTION 35

Whereas, New Hampshire has over 60 small family-run cider mills which will likely be forced to close if the United States Food and Drug Administration (USFDA) proceeds with new rules requiring pasteurization of apple cider offered for sale to the consuming public; and

Whereas, the costs of installing pasteurization equipment are prohibitive and are beyond the means of all but the very largest commercial apple cider makers; and

Whereas, alternative technologies using either ultraviolet rays or a strict process of washing and rinsing of the raw apples can accomplish the USFDA's goal of a 100,000-fold bacteria reduction: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring: That in order to preserve our tradition of making fine apple cider at local mills based at New Hampshire orchards, we urge the USFDA to defer its proposed rules requiring pasteurization for apple cider and instead consider adoption of processing standards which can achieve the same level of public protection at reasonable cost to our small cider makers; and

That copies of this resolution be sent by the house clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Administrator of the United States Food and Drug Administration, and each member of the New Hampshire congressional delegation.

POM-529. A joint resolution adopted by the Legislature of the State of New Hampshire relative to local television access; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE JOINT RESOLUTION 26

Whereas, access to local broadcast television signals in certain rural areas is limited or unavailable and measures to facilitate the provision of local signals in unserved and underserved markets is required; and

Whereas, the United States Congress will again consider legislation establishing incen-

tives including loan guarantees for multi-channel video services to provide the access to local broadcast television signals in unserved and underserved rural areas: Now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened: That the New Hampshire Senate and House of Representatives support the improved access to local television for households in unserved and underserved rural areas; and

That the United States Congress is urged to enact legislation which establishes incentives including loan guarantees for multi-channel video services to provide the access to local broadcast television signals in unserved and underserved rural areas; and

That copies of this resolution be sent by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the New Hampshire congressional delegation.

POM-530. A resolution adopted by the General Assembly of the State of New Jersey relative to domestic dog and cat fur; to the Committee on Commerce, Science, and Transportation.

ASSEMBLY RESOLUTION NO. 54

Whereas, A recent investigation conducted by the Humane Society of the United States and others revealed that approximately two million domestic dogs and cats are killed annually worldwide for their fur as part of an extensive international trade in the pelts of these animals, and that the method of killing is often exceedingly cruel; and

Whereas, Domestic dog and cat fur products are sometimes marketed in the United States, as evidenced, for example, by recent news stories reporting the sale of fur-trimmed coats labeled as "Mongolia dog fur" in New Jersey; and

Whereas, Federal law does not prohibit the practices of importing, selling, or using domestic dog or cat fur in garments and only requires the labeling of the fur used when the product costs more than \$150; and

Whereas, The importation and use of domestic dog and cat fur in garments or other products sold in the United States is shocking and does not comport at all with the generally accepted view of these animals as human companions: Now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. The Congress of the United States is respectfully memorialized to enact legislation as soon as possible prohibiting the importation into the United States, or sale, of domestic dog or cat fur or any product made in whole or in part therefrom. For the purposes of this resolution, "domestic dog or cat" means a dog (*Canis familiaris*) or cat (*Felis catus* or *Felis domesticus*) that is generally recognized in the United States as being a household pet and shall not include coyote, fox, lynx, bobcat, or any other wild canine or feline species.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate and of the United States House of Representatives, every member of Congress elected from the State, the Secretary of the United States Department of Commerce, and the chairman and each commissioner of the Federal Trade Commission.

POM-531. A concurrent resolution adopted by the Legislature of the State of New Hampshire relative to taxes; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION 27

Whereas, separation of powers is fundamental to the United States Constitution and the power of the federal government is strictly limited; and

Whereas, under the United States Constitution, the states are to determine public policy; and

Whereas, it is the duty of the judiciary to interpret the law, not to create law; and

Whereas, our present federal government has strayed from the intent of our founding fathers and the United States Constitution through inappropriate federal mandates; and

Whereas, these mandates by way of statute, rule, or judicial decision have forced state governments to serve as the mere administrative arm of the federal government; and

Whereas, federal district courts, with the acquiescence of the United States Supreme Court, continue to order states to levy or increase taxes to comply with federal mandates; and

Whereas, these court actions violate the United States Constitution and the legislative process; and

Whereas, the time has come for the people of this great nation and their duly elected representatives in state government to reaffirm, in no uncertain terms, that the authority to tax under the Constitution of the United States is retained by the people who, by their consent alone, do delegate such power to tax explicitly to those duly elected representatives in the legislative branch of government whom they choose, such representatives being directly responsible and accountable to those who have elected them; and

Whereas, several states have petitioned the United States Congress to propose an amendment to the Constitution of the United States of America; and

Whereas, the amendment was previously introduced in Congress; and

Whereas, the amendment seeks to prevent federal courts from levying or increasing taxes without representation of the people and against the peoples' wishes: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring: That the Congress of the United States prepare and submit to the several states an amendment to the Constitution of the United States to add a new article providing as follows: "Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or a political subdivision thereof; or an official of such a state or political subdivision, to levy or increase taxes"; and

That this application for an amendment to the Constitution is a continuing application in accordance with Article V of the Constitution of the United States; and

That the house clerk transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the United States House of Representatives, and each member of the New Hampshire Congressional delegation.

POM-532. A resolution adopted by the Council of the City of Cincinnati, Ohio relative to the Individuals with Disabilities Education Act; to the Committee on Health, Education, Labor, and Pensions.

POM-533. A joint resolution adopted by the Legislature of the State of Tennessee relative to proposed ergonomics standards; to

the Committee on Health, Education, Labor, and Pensions.

SENATE JOINT RESOLUTION NO. 610

Whereas, Tennessee has enacted a comprehensive workers' compensation system with incentives to employers to maintain a safe workplace, to work with employees to prevent workplace injuries, and to compensate employees for injuries that occur; and

Whereas, Section 4(b)(4) of the Federal Occupational Safety and Health Act, 29 U.S.C. §653(b)(4), provides that "Nothing in this chapter shall be construed to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties or liabilities of employers and employees under any law with respect to injuries, diseases, or death of employees arising out of, or in the course of, employment."; and

Whereas, The Occupational Safety and Health Administration ("OSHA"), notwithstanding this statutory restriction and the constitutional, traditional and historical role of the states in providing compensation for injuries in the workplace, has nevertheless published a proposed rule that, if adopted, would substantially displace the role of the states in compensating workers for musculoskeletal injuries in the workplace and would impose far-reaching requirements for implementation of ergonomics programs; and

Whereas, The proposed rule creates in effect a special class of workers' compensation benefits for ergonomic injuries, requiring payment of up to six months of wages at ninety percent (90%) of take-home pay and one hundred percent (100%) of benefits for absence from work; and

Whereas, The proposed rule would allow employees to bypass the system of medical treatment provided by Tennessee law for workers' compensation injuries and to seek diagnosis and treatment from any licensed health care provider paid by the employer; and

Whereas, The proposed rule would require employers to treat ergonomic cases as both workers' compensation cases and OSHA cases and to pay for medical treatment under both; and

Whereas, The proposed rule could force all manufacturers to alter workstations, redesign facilities or change tools and equipment, all triggered by the report of a single injury; and

Whereas, The proposed rule would require all American businesses to become full-time experts in ergonomics, a field for which there is little if any credible evidence and as to which there is an ongoing scientific debate; and

Whereas, The proposed rule would cause hardship on businesses and manufacturers with costs of compliance as high as eighteen billion dollars (\$18,000,000,000) annually, without guaranteeing the prevention of a single injury; and

Whereas, The proposed rule may force businesses to make changes that would impair efficiency in distribution centers; and

Whereas, This proposed rule is premature until the science exists to understand the root cause of musculoskeletal disorders, OSHA should not rush to make rules that are likely to result in a loss of jobs without consensus in the scientific and medical communities as to what causes repetitive-stress injuries, and medical researchers must answer fundamental questions surrounding ergonomics before government regulators

impose a one-size-fits-all solution: Now, therefore, be it

Resolved by the Senate of the One Hundred First General Assembly of the State of Tennessee, the House of Representatives concurring, That this General Assembly hereby memorializes the United States Congress to take all necessary measures to prevent the proposed ergonomics rule from taking effect; and be it further

Resolved, That an enrolled copy of this resolution be transmitted to the Speaker and the Clerk of the United States House of Representatives; the President and the Secretary of the United States Senate; and to each member of the Tennessee Congressional delegation.

POM-534. A resolution adopted by the Legislature of Guam relative to the Earned Credit; to the Committee on Appropriations.

RESOLUTION NO. 316

Whereas, Guam's economy has been in a prolonged recession for several years as a result of the Asian economic crisis and a reduction of military spending on Guam, resulting in drastically reduced government revenues; and

Whereas, Guam's working poor have not received their deserved Earned Income Tax Credit benefit over the last two (2) years during an especially bad time for them to go without this money; and

Whereas, in the distant past Federal funds have been used to pay for these purposes; and

Whereas, because of Guam's tax structure, funds for the Earned Income Tax Credit would come out of Guam's local treasury, not Federal sources, unlike in the case of state governments, who do not have to pay for the Earned Income Tax Credit: Now therefore, be it

Resolved, That I Mina'Bente Singko Na Liheslaturan Guåhan does hereby, on behalf of the people of Guam, respectfully request assistance from the United States Congress to appropriate Thirty-five Million Dollars (\$35,000,000) for the purpose of paying for the Earned Income Tax Credit already owed to Guam's working poor; and be it further

Resolved, That I Mina'Bente Singko Na Liheslaturan Guåhan does hereby, on behalf of the people of Guam, respectfully request assistance from the United States Congress to appropriate funds annually for the continuing funding of the Earned Income Tax Credit Program; and be it further

Resolved, That the Speaker certify, and the Legislative Secretary attests to, the adoption hereof and that copies of the same be thereafter transmitted to the Honorable William Jefferson Clinton, President of the United States of America; to the Honorable Albert Gore, Jr., President of the U.S. Senate; to the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; to the Honorable Frank H. Murkowski, U.S. Senate; to the Honorable Don Young, U.S. Senate; to the Honorable Robert A. Underwood, Member of Congress, U.S. House of Representatives; and to the Honorable Carl T.C. Gutierrez, I Magna'lahaen Guåhan.

POM-535. A joint resolution adopted by the Legislature of the State of New Hampshire relative to the Ricky Ray Hemophilia Relief Fund Act; to the Committee on Appropriations.

HOUSE JOINT RESOLUTION 20

Whereas, Congress passed the Ricky Ray Hemophilia Relief Fund Act of 1998; and

Whereas, the Ricky Ray Hemophilia Relief Fund Act was passed to provide for compas-

sionate payments to individuals with blood-clotting disorders, such as hemophilia, who contracted the human immunodeficiency virus due to contaminated blood products; and

Whereas, in its review of the events surrounding the HIV infection of thousands of people with blood-clotting disorders, such as hemophilia, a 1995 study, entitled "HIV and Blood Supply", of the Institute of Medicine found a failure of leadership and an inadequate institutional decision-making process in the system responsible for ensuring blood safety, concluding that a failure of leadership led to less than effective donor screening, weak regulatory actions, and insufficient communication to patients about the risk of AIDS; and

Whereas, this legislation, named after a teen-age hemophiliac who died from AIDS, was enacted to provide financial relief to the families of hemophiliacs who were devastated by the federal government's policy failure in its handling of the AIDS epidemic; and

Whereas, now that the relief bill has been signed into law by the President, Congress has been reticent to fund it: Now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened: That the New Hampshire general court hereby urges Congress to fully fund the Ricky Ray Hemophilia Relief Fund, enacted into law under the Ricky Ray Hemophilia Relief Fund Act of 1998, in 1999 so that there is no delay between the authorization and timely appropriation of this relief; and

That copies of this resolution signed by the governor, the speaker of the house of representatives, and the president of the Senate be forwarded by the house clerk to the Speaker of the United States House of Representatives, the President of the United States Senate, the President of the United States and to each member of the New Hampshire congressional delegation.

POM-536. A resolution adopted by the General Assembly of the State of New Jersey relative to the Sterling Forest, New Jersey; to the Committee on Appropriations.

ASSEMBLY RESOLUTION NO. 106

Whereas, Sterling Forest, located in southern New York and northern New Jersey, is one of the last major undeveloped areas in the New York City metropolitan area; and

Whereas, Two important northern New Jersey drinking water sources, the Monkville Reservoir and the Wanaque Reservoir, are fed in part by streams with headwaters in Sterling Forest, and these reservoirs supply drinking water to more than two million people; and

Whereas, The State of New Jersey, particularly Passaic county, has already taken action to acquire the approximately 2,000 acres of Sterling Forest lying within New Jersey, but the major portion of the forest lies within New York; and

Whereas, In February 1998, the State of New York, with the assistance of the Palisades Interstate Park Commission, purchased 15,280 acres of land to create Sterling Forest State Park at a cost of \$55 million, of which sum \$10 million was contributed by the State of New Jersey, \$17.5 million was contributed by the federal government, \$11.5 million was contributed by various private organizations and individuals, and \$16 million was contributed by the State of New York; and

Whereas, Notwithstanding that purchase, for various reasons significant acreage located in several critical areas of Sterling Forest was not acquired at that time; and

Whereas, In February 2000, Governor Pataki of New York announced the purchase of 868 acres and an agreement to purchase an additional 1,100 acres of critically important land as part of a major expansion of Sterling Forest State Park; and

Whereas, The proposed purchase of 1,100 acres will cost \$8 million, of which sum the State of New York will contribute \$4 million, Governor Whitman of New Jersey has announced that the State of New Jersey will contribute \$1 million, and, with respect to the remainder, Governor Pataki has requested funding therefor from the federal government and will seek additional financial assistance from various private partners: Now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. The federal government is respectfully memorialized to provide additional funding to assist in the purchase and preservation of certain portions of Sterling Forest in the State of New York.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, the Majority and Minority Leaders of the United States Senate and the United States House of Representatives, every Member of Congress elected from the State of New Jersey and from the State of New York, the Secretary of the United States Department of Agriculture, the Secretary of the United States Department of the Interior, the Governor of the State of New York, the Palisades Interstate Park Commission, and the New Jersey District Water Supply Commission.

POM-537. A joint resolution adopted by the Legislature of the State of New Hampshire relative to the Balanced Budget Act of 1997; to the Committee on Finance.

HOUSE JOINT RESOLUTION 22

Whereas, the Medicare program has made medical services available to millions of senior and disabled citizens since its inception in 1965; and

Whereas, the success of the Medicare program relies on a fair and responsible partnership between the public and private sector to provide appropriate medical services for all eligible individuals; and

Whereas, the Balanced Budget Act of 1997 included the most comprehensive reforms to the Medicare program since its passage, resulting in a range of unintended consequences that are affecting the New Hampshire medical service delivery system accessed by our most frail and needy citizens and provided through hospitals, skilled nursing facilities, and home health agencies; and

Whereas, the Medicare revenue reductions projected by the Balanced Budget Act were intended only to slow the growth of Medicare expense, but have actually resulted in a reduction of Medicare expense that brings the 1999 expense below that of 1997 despite inflation factors of 3-5 percent during that time; and

Whereas, New Hampshire Medicare reimbursement to hospitals will be reduced by as much as an additional \$200,000,000 over the next 4 years above the reductions already experienced; and

Whereas, New Hampshire home health agencies reimbursement has been reduced by \$24,000,000 to date and will be reduced by an additional 15 percent of the present Medicare reimbursement by October 1, 2001; and

Whereas, further reductions will seriously damage both beneficiary access to care and the ability of providers to continue to provide needed levels of service; and

Whereas, the ameliorative measures prescribed by the Balanced Budget Refinement Act of 1999 provide too little relief, restoring less than 10 percent of the reduction of Medicare revenue resulting from the Balanced Budget Act of 1997: Now, therefore, be it

Resolved by the Senate and the House of Representatives in General Court convened: That the President of the United States and Congress instruct the Health Care Financing Administration and its fiscal intermediaries that the legislative intent under the Balanced Budget Act of 1997 has been accomplished; and

That the President of the United States and Congress act to eliminate further Medicare revenue reductions of the Act and thereby protect beneficiaries' access to quality care when needed; and

That copies of this resolution, signed by the President of the Senate and the Speaker of the House of Representatives, be forwarded by the house clerk to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the New Hampshire Congressional delegation.

POM-538. A resolution adopted by the General Assembly of the State of New Jersey relative to the Internal Revenue Code; to the Committee on Finance.

ASSEMBLY RESOLUTION NO. 48

Whereas, The Internal Revenue Code currently provides that an individual's personal income tax filing status depends upon whether that individual is considered married or unmarried; and

Whereas, When a married couple elects the personal income tax filing status of married filing jointly, their incomes are aggregated which often places them in a higher income tax bracket and increases their tax liability; and

Whereas, There are nearly 21 million working married couples in the United States who, as a result of the current Internal Revenue Code, pay an average of \$1,400 more in taxes than an unmarried couple of identical financial means; and

Whereas, For many Americans, especially for working couples with lower incomes, \$1,400 represents a considerable amount of money that could be used for other necessities of life, such as child care, college tuition or retirement savings; and

Whereas, Many working married Americans view the payment of these higher taxes as a marriage penalty which serves as an incentive to dissolve their marriage; and

Whereas, Many unmarried working Americans view their marriage penalty as a disincentive to enter into the bonds of marriage, choosing instead to live together outside of marriage; and

Whereas, Government policy should strengthen families and encourage marriage rather than penalize those who choose to marry; and

Whereas, It is altogether fitting and proper that the Legislature memorialize the United States Congress to enact H.R. 2456, known as the Marriage Tax Elimination Act, which amends the Internal Revenue Code to provide that married couples may file a combined return under which each spouse is taxed using the rates applicable to unmarried individuals: Now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. The General Assembly respectfully memorializes the United States Congress to enact H.R. 2456, the Marriage Tax Elimination Act, which would amend the Internal Revenue Code to provide that married couples may file a combined return under which each spouse is taxed using the rates applicable to unmarried individuals. The Marriage Tax Elimination Act would eliminate the marriage penalty tax and bring greater parity between the tax burden imposed on similarly situated working married couples and that placed on couples living outside of marriage. Such an amendment to the Internal Revenue Code will serve to strengthen marriages and families, allow working married couples to retain more of their own resources, reduce their financial pressures, and enable them to provide for other important necessities of life, such as child care, college tuition and retirement savings.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and every member of the United States Congress elected from the State of New Jersey.

POM-539. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania relative to health plan coverages; to the Committee on Finance.

HOUSE RESOLUTION NO. 380

Whereas, Pennsylvania ranks second only to Florida in the proportion of the total population of the State that is 65 years of age and older; and

Whereas, In 1997 the Medicare+Choice program was established to expand health plan options by permitting types of plans other than health maintenance organizations to participate in Medicare; and

Whereas, In response to excess payments made to participating health plans, the Balanced Budget Act of 1997 (Public Law 105-33, 111 Stat. 251) enacted payment revisions in the Medicare+Choice program to reduce future excess payments; and

Whereas, Participating health plans in the Commonwealth of Pennsylvania, such as Highmark Blue Cross, Blue Shield's Security Blue and Aetna/US Healthcare's plan, have either increased rates substantially or reduced benefits; and

Whereas, Some counties in the Commonwealth of Pennsylvania have been more severely affected by the problems of plan withdrawals, increases in premiums and decreases in benefit packages; and

Whereas, The Federal Health Care Financing Administration is authorized to review and approve Medicare prepaid health plan rates annually; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize Congress to investigate health insurance premium increases for Medicare health maintenance organization coverage and other types of participating health plan coverage; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-540. A resolution adopted by the Senate of the Legislature of the Commonwealth of Puerto Rico relative to China; to the Committee on Finance.

SENATE RESOLUTION NO. 3459

STATEMENT OF PURPOSES

The accession of China to the World Trade Organization ("WTO") would potentially add

\$1.6 billion by 2005 to the annual tally of global U.S. exports of grains, oilseeds, oil-seed products, and cotton. Much of the \$1.6 billion represents direct sales to China in the listed commodities, which would enjoy significantly greater access to the immense Chinese market, and the referenced figure does not take into account other commodities, such as fruit and vegetables, animal products, and tree nuts, which would also enjoy increased access once these duty reductions are implemented.

To underscore the importance of the Chinese market to the United States economy, it is worth noting that U.S. agricultural exports to China over the past twenty (20) years have grown from negligible levels to \$1.1 billion in fiscal year 1999. Estimates of additional exports under China's pending accession to the WTO are based on a preliminary analysis by the U.S. Department of Agriculture's Economic Research Service ("ERS"), which analysis is based on China's WTO commitments under the comprehensive bilateral trade agreement with the United States.

In its efforts to join the WTO, China has already made significant one-way market-opening accessions across virtually every economic sector, including agriculture, manufactured goods, services, technology, and telecommunications. Farmers, workers and industries from all over the fifty (50) states, as well as U.S. territories and possessions, will greatly benefit from increased access to China's market of over one (1) billion people.

In agriculture, tariffs on U.S. priority products, such as beef, dairy and citrus fruits, will drop from an average of 31% to 14% in January 2004. China will also expand access for bulk agricultural products such as wheat, corn, cotton, soybeans and others; allow for the first time private trade in said products; and eliminate export subsidies. In manufactures, Chinese industrial tariffs will fall from an average of 25% in 1997 to 9.4% in 2005. In information technology, tariffs on products such as computers, semiconductors, and all Internet-related equipment will fall to zero by 2005. In services, China will open markets for distribution, telecommunications, insurance, express delivery, banking, law, accounting, audiovisual, engineering, construction, environmental services, and other industries.

At present, China severely restricts trading rights, i.e., the right to import and export, as well as the ability to own and operate distribution networks, which are essential in order to move goods and compete effectively in any market. Under the proposed agreement, China will phase in such trading rights and distribution services over three (3) years, and also open up sectors related to distribution services, such as repair and maintenance, warehousing, trucking and air courier services. This will allow American businesses to export directly to China and to have their own distribution network in China, rather than being forced to set up factories in China to sell products through Chinese partners, as has been frequently the case until now.

At the same time, the proposed agreement offers China no increased access to American markets. The United States agrees only to maintain the market access policies that already apply to China, and have for over twenty (20) years, by making China's current Normal Trade Relations status permanent. WTO rules require that members accord each other such status on an unconditional basis.

If Congress does not grant China "Permanent Normal Trade Relations" status, our

European, Asian, Canadian and Latin American competitors will reap the benefits of China's WTO accession, but China would not be required to accord these benefits to the United States.

In addition to purely economic considerations, China's accession to the WTO will promote reform, greater individual freedom, and strengthen the rule of law in China, which is why the commitments already made represent a remarkable victory for Chinese economic reformers. Furthermore, WTO accession will give the Chinese people greater access to information, and weaken the ability of hardliners in the Chinese government to isolate China's public from outside ideas and influences. In view of these facts, it is not surprising that many of China's and Hong Kong's activists for democracy and human rights—including Martin Lee, the leader of Hong Kong's Democratic Party, and Ren Wanding, a prominent dissident who has spent many years of his life in prison—see China's WTO accession as the most important step toward reform in the past two decades.

Finally, WTO accession will increase the chance that in the new century, China will be an integral part of the international system, abiding by accepted rules of international behavior, rather than remain outside the system, denying or ignoring such rules. From the U.S. perspective, PNTR advances the American people's larger interest to bring China into international agreements and institutions that can make it a more constructive player in the current world, with a significant stake in preserving peace and stability.

For all of the above considerations, the Senate of Puerto Rico joins in urging the President and the Congress of the United States to pass a Permanent Normal Trade Relations ("PNTR") agreement with China at the earliest possible moment, which will provide American farmers, workers and industries with substantially greater access to the Chinese market, to the ultimate benefit of the U.S. economy in general and the American people in particular.

Be it resolved by the Senate of Puerto Rico:

SECTION 1.—To urge the President and the Congress of the United States to approve a Permanent Normal Trade Relations ("PNTR") agreement with China at the earliest possible date in order to promote security and prosperity for American farmers, workers and industries by providing substantially greater access to the Chinese market.

SECTION 2.—This Resolution will be officially notified to the Honorable William Jefferson Clinton, President of the United States, to the Honorable Albert Gore, Jr., Vice-President of the United States, to the Honorable Trent Lott, United States Senate Majority Leader, and to the Honorable J. Dennis Hastert, Speaker of the United States House of Representatives, as well as selected Members of the United States Congress.

SECTION 3.—This Resolution will be publicized by making copies thereof available to the local, state and national media.

SECTION 4.—This Resolution will become effective immediately upon its approval by the Senate of Puerto Rico.

POM-541. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to Internal Revenue Code; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 16

Whereas, many employees of the state of Louisiana participate in one of the four public retirement systems sponsored by the

state, and these employees contribute to the applicable system in order to provide benefits which are payable to their minor children upon the death of any such employee; and

Whereas, based on federal law, the federal Internal Revenue Service allows five thousand dollars of such death benefits payable from a state retirement system to the children of deceased state employees to be excluded from gross income for the purposes of taxation, but requires any amount of benefits above that sum to be taxed as "investment income" under Section 61(a) of the federal Internal Revenue Code, which is contrary to the source and nature of such death benefits; and

Whereas, in contrast to state employment, there are many more people who are employed in the "private sector", who participate in the federal social security system and who pay contributions to that system in order to provide benefits which are payable to their minor children upon the death of any such employee; and

Whereas, also in contrast to state employment, Section 86(a) of the federal Internal Revenue Code provides an exclusion from gross income in an amount equal to one-half of death benefits payable from the social security system to children of deceased private sector employees, with the remaining half being treated as ordinary income, and prior to the 1983 tax year all such benefits were excluded from taxable income; and

Whereas, it is patently unfair to require a limit of five thousand dollars for the exclusion from income of death benefits payable to the children of public sector employees and to treat all such benefits above that limit as investment income, while simultaneously allowing an exclusion of one-half of such benefits payable to children of private sector employees and treating all such benefits above that limit as ordinary income, but not as investment income: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to amend Section 86(a) of the United States Internal Revenue Code, regarding the children of deceased public sector employees who receive death benefits from a state-sponsored retirement system, to provide those children with an exclusion from gross income equal to one-half of such benefits and to treat all such benefits above that limit as ordinary income, but not as investment income, and thereby bring equality of treatment to children of deceased public and private sector employees; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-542 A resolution adopted by the City Council of Westfield, Massachusetts relative to Vieques, Puerto Rico; to the Committee on Armed Services.

POM-543 A petition from a Citizen of the State of Maryland relative to the Environmental Protection Agency; to the Committee on Environment and Public Works.

POM-544. A joint resolution adopted by the Legislature of the State of New Hampshire relative to the Clean Air Act; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION 21

Whereas, the federal Clean Air Act provisions for best available control technology (BACT), lowest achievable emission rate (LAER), and other similar requirements

have been applied such that the availability of alternative technology with slightly superior emissions reduction than a base technology could require the use of the alternative technology by all new sources; and

Whereas, the federal Clean Air Act could require this even if the alternative technology provides only slightly more emissions reduction than the base technology, or the alternative is significantly less reliable, less tested, less used, or less available than the base technology, or if the alternative technology is significantly less cost-effective than the base technology; and

Whereas, these requirements have sometimes had the effect of delaying the implementation of more cost-effective, more proven technologies with only slightly less emissions reduction, so as to increase the total amount of pollution emitted; and

Whereas, legal actions regarding the application of these BACT provisions have delayed the construction of at least one low-polluting combined cycle natural gas electric generating facility in New England; and

Whereas, these undesirable side effects should not be allowed to impede desirable cost-effective emissions reductions that lead to air quality improvements; and

Whereas, when the United States Environmental Protection Agency issued its new ozone and particulate matter standards in July, 1997, its new standards were accompanied by a message from President Clinton urging that an upper bound be placed on the cost of implementing emission reductions to meet these standards: Now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened: That the United States Congress should amend the federal Clean Air Act requirements for best available control technology, lowest achievable emission rate, and other similar requirements, so that cost-effective emissions reductions can be promptly implemented without these undesirable side effects; and

That the federal Clean Air Act specifically be amended so that the availability of alternative technology with slightly superior emissions reduction than a base technology does not necessarily require the complete replacement of the base technology by the alternative technology, especially if the additional emissions reduction is small compared with the base technology; if the alternative technology is significantly less reliable, less tested, less used, or less available than the base technology; or if the alternative technology is significantly less cost-effective than the base technology; and

That copies of this resolution signed by the governor, the speaker of the house of representatives, and the president of the senate be forwarded by the house clerk to the Speaker of the United States House of Representatives, the President of the United States Senate, the President of the United States, the Administrator of the United States Environmental Protection Agency, and to each member of the New Hampshire congressional delegation.

POM-545. A joint resolution adopted by the Legislature of the State of New Hampshire relative to gasoline; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION 24

Whereas, the United States Environmental Protection Agency's National Blue Ribbon Panel on MTBE has recently examined oxygenates in gasoline in general, and methyl t-butyl ether (MTBE) in particular, and has concluded that the oxygenate require-

ment for gasoline of the federal Clean Air Act should be eliminated and that the use of MTBE in gasoline should be phased out; and

Whereas, state by state standards for gasoline composition would result in a complex and inefficient regulatory system for fuels, with negative financial effects on refiners and consumers: Now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened: That the United States Congress should promptly eliminate the oxygenate requirement for gasoline of the federal Clean Air Act; and

That the United States Environmental Protection Agency should encourage the United States Congress to promptly eliminate the oxygenate requirement for gasoline of the federal Clean Air Act; and

That the United States Congress and the United States Environmental Protection Agency should work with the northeastern states and with gasoline refiners to promptly develop and approve a consistent, effective regional specification for gasoline containing significantly less or no MTBE additive; and

That copies of this resolution signed by the governor, the speaker of the house of representatives, and the president of the senate be forwarded by the house clerk to the Speaker of the United States House of Representatives, the President of the United States Senate, the President of the United States, the Administrator of the United States Environmental Protection Agency, and to each member of the New Hampshire congressional delegation.

POM-546. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the Coastal Wetlands Planning, Protection, and Restoration Act Task Force; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION No. 12

Whereas, the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA), known as the "Breaux Act" sponsored by Senator John Breaux, provides approximately \$40 million per year in federal funding for the Louisiana wetlands protection and restoration projects approved by the CWPPRA Task Force; and

Whereas, Louisiana's barrier islands are the primary line of defense against waves from the Gulf of Mexico and protect our extensive estuarine system and the mainland marshes; and

Whereas, barrier islands help keep one of the nation's most productive fisheries vibrant, provide habitat to wildlife and furnish storm protection for homes, roads, waterways, and oil industry infrastructure; and

Whereas, these barrier islands provide valuable habitat for migratory birds, nesting shorebirds and waterfowl, and aquatic nursery habitats for fish and shellfish; and

Whereas, restoration is critical to sustaining the barrier islands and reducing mainland marsh loss; and

Whereas, the erosion and breaching of barrier islands reduces their effectiveness in preventing storm surges from reaching mainland marshes and results in increased wave damage to bay marshes; and

Whereas, Louisiana, which contains forty percent of the wetlands in the forty-eight contiguous states, is losing between twenty-five and thirty-five square miles of valuable marine habitat a year, mainly due to erosion, subsidence, and other forces; and

Whereas, the barrier islands are estimated to disappear by about 2018 if nothing is done; and

Whereas, coastal restoration projects are selected by the CWPPRA Task Force based upon the project's overall impact on coastal restoration; and

Whereas, the current selection process does not adequately appreciate the full repercussions of barrier island erosion and loss on the entire coastline; therefore be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States and urges the CWPPRA Task Force to support modifying the selection process for projects under the Breaux Act to consider other benefits that barrier island restoration projects provide in addition to vegetated wetland benefits; be it further

Resolved, That a copy of the Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives, to each member of the Louisiana congressional delegation, and to the chairman of the CWPPRA Task Force.

POM-547. A resolution adopted by the House of the General Assembly of the State of Rhode Island relative to gasoline; to the Committee on Environment and Public Works.

HOUSE RESOLUTION

Whereas, The 1990 amendments to the federal Clean Air Act (CAA) mandated the addition of oxygenates in reformulated gasoline (RFG) at a minimum of 2% of content by weight to reduce the concentration of various types of air contaminants, including ozone and carbon monoxide, in regions of the country exceeding National Ambient Air Quality Standards, and states that opted into the program; and

Whereas, Methyl tertiary-butyl ether (MtBE), the most commonly used gasoline oxygenate in the United States and Rhode Island, is being detected in surface and groundwater supplies throughout the United States due to leaking underground petroleum storage tanks, spills, and other accidental discharges; and

Whereas, Because MtBE is highly soluble in water, spills and leaks involving MtBE-laden gasoline are considerably more expensive and difficult to remediate than those involving conventional gasoline; and

Whereas, A "Blue Ribbon Panel" of the U.S. Environmental Protection Agency called for the elimination of the federal oxygenate requirement and for the reduction of the use of MtBE in gasoline because of public health concerns associated with MtBE in water supplies; and

Whereas, The prescriptive requirements in the 1990 Clean Air Act Amendments for oxygenate content restrict the State's ability to address groundwater contamination and air quality issues: Now therefore be it

Resolved, That the State of Rhode Island and Providence Plantations respectfully urges and requests that the United States Congress remove the requirement in the Clean Air Act for 2% of content by weight oxygenate in reformulated gasoline while maintaining the toxic emissions reductions benefits achieved to date by the RFG program so that additional alternate fuel mixtures may be available for use in Rhode Island; and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit a duly certified copy of this resolution to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Rhode Island Congressional Delegation.

POM-548. A resolution by the Legislature of the State of New York relative to the Great Lakes; to the Committee on Environment and Public Works.

LEGISLATIVE RESOLUTION

Whereas, Water is a critical resource that is essential for all forms of life and for a broad range of economic and social activities; and

Whereas, The Great Lakes support 33 million people as well as a diversity of the plant and animal populations; and

Whereas, The Great Lakes contain roughly 20% of the world's freshwater and 95% of the freshwater of the United States; and

Whereas, The Great Lakes are predominantly non-renewable resources with approximately only 1% of their water renewed annually by precipitation, surface water runoff and inflow from groundwater sources; and

Whereas, The Great Lakes Basin is an integrated and fragile ecosystem with its surface and groundwater resources a part of a single hydrologic system, which should be dealt with as a whole in ways that take into account water quantity, water quality and ecosystem integrity; and

Whereas, Sound science must be the basis for water resource management policies and strategies; and

Whereas, Scientific information supports the conclusion that a relatively small volume of water permanently removed from sensitive habits may have grave ecological consequences; and

Whereas, Single and cumulative bulk removals of water from drainable basins such as interbasin transfers, reduce the resiliency of a system and its capacity to cope with future, unpredictable stresses, including potential introduction of non-native species and diseases to receiving waters; and

Whereas, There is uncertainty about the availability of Great Lakes water in the future in light of previous variations in climatic conditions, climate change, demands on water—cautions should be used in managing water to protect the resource for the future; and

Whereas, A report from The International Joint Commission, released March 15, 2000, recommends that Canadian and U.S. federal, provincial and state governments should not permit the removal of water from the Great Lakes Basin unless the proponent can demonstrate that the removal will not endanger the integrity of the Great Lakes Ecosystem; and

Whereas, Canada has already introduced legislation to amend the Boundary Waters Treaty Act to prohibit bulk water withdrawals from the Great Lakes: Now, therefore, be it

Resolved, That this Legislative Body pause in its deliberations to urge the New York State Congressional Delegation to effectuate an amendment to the Boundary Waters Treaty Act to prohibit bulk water withdrawals from the Great Lakes to preserve the integrity and environmental stability of the Great lakes; and be it further

Resolved, That copies of this Resolution, suitably engrossed, be transmitted to each member of the United States Congressional Delegation of the State of New York; to the Vice President of the United States in his capacity as President of the United States Senate; to the Speaker of the United States House of Representatives; to the Clerk of the United States House of Representatives; to the Secretary of the United States Senate; and to the Administrator of the United States Environmental Protection Agency.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 2844: An original bill to amend the Foreign Assistance Act of 1961 to authorize the provision of assistance to increase the availability of credit to microenterprises lacking full access to credit, to establish a Micro-finance Loan Facility, and for other purposes (Rept. No. 106-335).

S. 2845: An original bill to authorize additional assistance to countries with large populations having HIV/AIDS, to authorize assistance for tuberculosis prevention, treatment, control, and elimination, and for other purposes (Rept. No. 106-336).

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

S. 2712: A bill to amend chapter 35 of title 31, United States Code, to authorize the consolidation of certain financial and performance management reports required of Federal agencies, and for other purposes (Rept. No. 106-337).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HELMS:

S. 2844. An original bill to amend the Foreign Assistance Act of 1961 to authorize the provision of assistance to increase the availability of credit to microenterprises lacking full access to credit, to establish a Micro-finance Loan Facility, and for other purposes; placed on the calendar.

By Mr. HELMS:

S. 2845. An original bill to authorize additional assistance to countries with large populations having HIV/AIDS, to authorize assistance for tuberculosis prevention, treatment, control, and elimination, and for other purposes; placed on the calendar.

By Mr. ROCKEFELLER:

S. 2846. A bill to extend the suspension of duty for certain chemicals; to the Committee on Finance.

By Mr. ABRAHAM:

S. 2847. A bill to modify the River and Harbor Act of 1886 to authorize Corps of Engineer authority over an extended portion of the Clinton River; to the Committee on Environment and Public Works.

By Mr. BINGAMAN:

S. 2848. A bill to provide for a land exchange to benefit the Pecos National Historical Park in New Mexico; to the Committee on Energy and Natural Resources.

By Mr. HARKIN:

S. 2849. A bill to create an independent office in the Department of Labor to advocate on behalf of pension participants, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MOYNIHAN:

S.J. Res. 49. A joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 2848. A bill to provide for a land exchange to benefit the Pecos National Historical Park in New Mexico; to the Committee on Energy and Natural Resources.

PECOS NATIONAL HISTORICAL PARK LAND EXCHANGE ACT OF 2000

Mr. BINGAMAN. Mr. President, today, I am introducing the "Pecos National Historical Park Land Exchange Act of 2000. This bill will facilitate a land exchange between the Federal government and a private landowner that will benefit the Pecos National Historical Park in my State of New Mexico.

Specifically, the bill will enable the Park Service to acquire a private inholding within the park's boundaries in exchange for the transfer of a nearby tract of national forest system land. The national forest parcel has been identified as available for exchange in the Santa Fe National Forest Land and Resource Management Plan and is surrounded by private lands on three sides.

Pecos National Historical Park possesses exceptional historic and archaeological resources. Its strategic location between the Great Plains and the Rio Grande Valley has made it the focus of the region's 10,000 years of human history. The park preserves the ruins of the great Pecos pueblo, a major trade center and the ruins of two Spanish colonial missions dating from the 17th and 18th centuries.

The Glorieta Unit of the park protects key sites associated with the 1862 Civil War Battle of Glorieta Pass, a significant event that ended the Confederate attempt to expand the war into the west. This unit will directly benefit from the land exchange.

I ask unanimous consent that the full text of the bill I have introduced today be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pecos National Historical Park Land Exchange Act of 2000."

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture; and

(2) the term "landowner" means Harold and Elizabeth Zuschlag, owners of land within the Pecos National Historical Park.

(3) the term "map" means a map entitled "Pecos National Historical Park Land Exchange" and dated June 27, 2000.

SEC. 3. LAND EXCHANGE.

(a) Upon the conveyance by the landowner to the Secretary of the Interior of the lands identified in subsection (b), the Secretary of Agriculture shall convey the following lands and interests to the landowner, subject to the provisions of this Act:

(1) approximately 160 acres of Federal lands and interests therein within the Santa